

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 1487 OF 1996

M/s.C.K.Industries Pvt.Ltd. ... Plaintiff.

V/s.

M/s.Bomex Auto Industries
Pvt.Ltd. and others. ... Defendants.

Ms.Savita Patkar i/b. Bharat & Co.
for the plaintiff.

None for the defendants.

CORAM: V.C.DAGA, J.

DATED: 5th March 2008.

P.C.:

. Heard.

2. Perused order dated 27th April, 1998
passed by learned single Judge (R.J.Kochar, J.)
(as he then was).

3. The learned counsel for the plaintiff
submits vide order dated 27th April, 1998, the
learned single was pleased to pass *ex parte* decree
against defendant Nos.1 and 2 and not against
defendant No.3. In the text of the order there is
mention that defendant No.3 has entered its
appearance and filed written statement pursuant to

order dated 6th October, 1997. Therefore *ex parte* decree could not have been passed against defendant No.3. However, a typographical error crept in the para-4 of the order; wherein instead of mentioning defendant Nos.1 and 2, it is wrongly mentioned as defendant Nos.1 and 3.

4. In view of the above, the order needs modification to that effect. The words and figures "Defendant Nos.1 and 3" appearing in para-4, page-3 of the order dated 27th April, 1998 stand modified and substituted with that of "Defendant Nos.1 and 2". Rest of the order stands as it is.

(V.C.DAGA, J.)